

### REMARKS

The Office Action dated September 26, 2007, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto. Claims 1-3 are pending in this application and claims 4-12 are withdrawn. By this Amendment, claims 1-8 and 10-12 are amended. Support for the subject matter of the amendment to claim 1 can be found in the Specification at, for example, page 13, lines 10-11. Reconsideration of the application is respectfully requested.

Applicants gratefully acknowledge the indication that claim 2 contains allowable subject matter.

The Office Action rejects claims 1-3 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-3 are amended to overcome the rejection and now fulfill the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 112, second paragraph, is respectfully requested.

The Office Action rejects claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated by (*sic*) Caren et al. (U.S. Patent No. 6,029,442) in light of Evans et al. (U.S. Patent No. 6,479,023). Applicants respectfully submit that this rejection appears to be an obviousness type rejection under 35 U.S.C. § 103(a), and not an anticipation rejection as indicated by the Office Action. The rejection is respectfully traversed.

In particular, the above-identified application claims a process for decreasing the content of a particulate material contained in an exhaust gas from a lean burn engine, comprising the steps of heating the exhaust gas at a temperature greater than 70°C,

generating plasma, and oxidizing the particulate material, as recited in independent claim 1.

Caren teaches an apparatus and a method for the reduction of pollutants in the exhaust stream of a combustion engine (Abstract). Caren further teaches using a corona discharge device to generate a reaction in the exhaust gas that produces highly oxidizing free radicals (column 4, line 66 - column 5, line 17, and column 7, line 53 - column 8, line 13). Caren also teaches a catalytic converter 13 located at the underbody of an automobile and situated in the exhaust gas stream 18 from the engine and includes any device provided for treating exhaust gases from the combustion of a fuel, such as gasoline, gasoline-based formulations, diesel fuel, alcohol, natural gas and any other fuel, where a catalytic converter can be used to reduce at least one pollutant from combustion (column 10, lines 16-46). However, nowhere in Caren is there any teaching of heating the exhaust gas prior to the exhaust gas being treated in the catalytic converter 13. Also, Caren does not disclose or suggest heating the exhaust gas at the claimed temperature greater than 70°C, as recited in independent claim 1. Accordingly, Caren fails to disclose or suggest each and every feature of independent claim 1.

Evans teaches a system for converting particulate matter in exhaust gases that comprises a stoichiometrically-operated engine and an exhaust system including a plasma generator for converting water vapor in the exhaust gases into an oxidant and a filter downstream of the plasma generator (Abstract). Furthermore, Evans teaches converting propene using plasma in the presence or absence of water on a test rig using synthetic gas mixtures, and concludes that the conversion of propene is

significantly greater where water vapor is present (column 5, lines 10-35). However, Evans fails to cure deficiencies in Caren in disclosing or rendering obvious heating the exhaust gas at a temperature greater than 70°C, as recited in independent claim 1.

For at least these reasons, a combination of the applied references fails to arrive at the subject matter of independent claim 1. Thus, independent claim 1 is patentable over the applied references. Furthermore, claim 3, at least for its dependence on patentable claim 1, and for its further limitations, is also patentable over a combination of the applied references. Thus, withdrawal of the rejection of the claims under 35 U.S.C. § 102(b) (or 35 U.S.C. § 103(a)) is respectfully requested.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107348-00389**

Respectfully submitted,



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